

REMARKS

This Application has been carefully reviewed in light of the final Office Action mailed April 14, 2004. Claims 2-4, 10-11, and 17-18 have been cancelled. Claims 1, 9, and 16 have been amended to clarify, more particularly point out, and more distinctly claim inventive concepts previously present in these claims. These amendments are not considered necessary for patentability. Applicants respectfully submit that no new matter has been added by the amendments to the claims. Applicants appreciate the Examiner's consideration of the Application. In order to advance prosecution of this Application, Applicants have responded to each notation by the Examiner. Applicants respectfully request reconsideration and favorable action in this case.

Section 103(a) Rejection

The Examiner rejected Claims 1-25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,968,122 issued to Schlosser et al. ("*Schlosser*"), in view of U.S. Patent No. 5,941,955 issued to Wilby et al. ("*Wilby*"). Applicants respectfully traverse this rejection for the reasons discussed below.

Applicants respectfully submit that the combination of *Schlosser* and *Wilby* as suggested by the Examiner fails to disclose, teach, or suggest elements specifically recited in Applicants' claims. For example, the *Schlosser-Wilby* combination suggested by the Examiner fails to disclose, teach, or suggest "generating a second parent node in response to a triggering occurrence, the second parent node representing a logical element on which the first physical element is logically dependent," recited in Applicants' independent Claim 1, as amended.

First, *Schlosser* fails to disclose, teach, or suggest a logical element of a network. *Schlosser* discloses a network fault management tool. (*Schlosser*, column 1, lines 8-9.) According to *Schlosser*:

An object status propagation scheme according to the present invention uses two separate parallel full hierarchies of submaps of objects of a network, an equipment hierarchy and a connection hierarchy, to trace the origin of a malfunction in the network. An object is an aggregation of elements of the network, the elements being either connections or other equipment.

(*Schlosser*, column 1, lines 61-67.) That is, the objects of *Schlosser* represent physical elements, not logical elements. Accordingly, *Schlosser* fails to disclose, teach, or suggest “the second parent node representing a logical element on which the first physical element is logically dependent.”

Moreover, *Schlosser* fails to disclose, teach, or suggest generating a node in response to a triggering occurrence. The Examiner relies on the passage at column 9, lines 6-10 of *Schlosser* to provide such teaching. (Office Action, page 3, paragraph 4.) According to the passage, “If the power supply fails, the higher-level object is no longer functional, and this information is downward propagated to the lower-level objects that in combination comprise the higher-level object depending on the power supply.” (*Schlosser*, column 9, lines 6-10.) The passage describes propagation of information from one object to another object. The passage, however, does not disclose, teach, or suggest generating a node, much less “generating a second parent node in response to a triggering occurrence, the second parent node representing a logical element on which the first physical element is logically dependent,” recited in Applicants’ independent Claim 1, as amended.

Second, *Wilby* fails to disclose, teach, or suggest a logical element of a network. *Wilby* discloses a technique for accessing data elements of a distributed data structure. (*Wilby*, Abstract.) The data structure includes a hierarchy of nodes and communication links linking the nodes. The hierarchy extends from a root node to end nodes. (*Wilby*, column 2, lines 35-51.) According to *Wilby*:

The network management system, or data access system, described above provides a relatively reliable data structure because the data structure is distributed. The information which is being accessed, in this case hardware addresses for network users, is not held at a single, specific location.

(*Wilby*, column 10, lines 7-11.) That is, the nodes of *Wilby* represent physical locations of stored data, not logical elements. Accordingly, *Wilby* fails to disclose, teach, or suggest “the second parent node representing a logical element of the network on which the first physical element is logically dependent.”

Consequently, at a minimum, the *Schlosser-Wilby* combination suggested by the Examiner fails to disclose, teach, or suggest, “generating a second parent node in response to a triggering occurrence, the second parent node representing a logical element on which the first physical element is logically dependent,” recited in Applicants’ independent Claim 1, as

amended. Accordingly, the *Schlosser-Wilby* combination suggested by the Examiner fails to disclose the elements specifically recited in Applicants' independent Claim 1.

Applicants' dependent claims are allowable based on their dependence on the independent claims and further because they recite numerous additional patentable distinctions over the references of the rejection. Because Applicants believe they have amply demonstrated the allowability of the independent claims over the references of the rejection, and to avoid burdening the record, Applicants have not provided detailed remarks concerning these dependent claims. Applicants, however, remain ready to provide such remarks if it becomes appropriate to do so.

Independent Claims 9 and 16 recite certain limitations substantially similar to those recited in independent Claim 1. Accordingly, for at least the same reasons, Applicants also respectfully request reconsideration and allowance of independent Claims 9 and 16, together with their dependent claims.

Applicants respectfully request reconsideration and allowance of independent Claims 1, 9, and 16 and all claims that depend on these claims.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Keiko Ichiye, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6494.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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